

# URGENT ACTION

## HIGHEST COURT UPHOLDS PRISON SENTENCE

On 28 April, the Court of Appeal upheld the prison sentence against activists and journalists **Sherwan Sherwani, Guhdar Zebari, Hariwan Issa, Ayaz Karam and Shvan Saeed**. On 16 February, the Erbil Criminal Court had sentenced the five men to six years in prison following unfair trials, based on trumped up charges. They must be immediately and unconditionally released.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

**Dr. Dindar Zebari**

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Dear Dr. Zebari,

On 28 April, the Court of Appeal [hereinafter the Court] upheld the six-year prison sentence against activists and journalists **Sherwan Sherwani, Guhdar Zebari, Hariwan Issa, Ayaz Karam and Shvan Saeed**. In its ruling, the Court rejected the defendants' claims of torture and other ill-treatment, citing lack of evidence; while confirming the charges brought against the five activists and journalists, which include "receiving money from the consulates of the USA and of Germany"; "sending sensitive information to foreign entities" and "cooperating with the Kurdistan Workers' Party (PKK)".

On 16 February, the Erbil Criminal Court sentenced the five journalists and activists to six years in prison after a flagrantly unfair trial mired with serious allegations of torture and other ill-treatment and based on apparently trumped-up charges. Since their sentencing, the five activists and journalists had gone on hunger strike to protest their detention conditions. According to information available to Amnesty International, the five men are detained in overcrowded cells with no room to sleep, stand or walk. Throughout their detention, the five activists and journalists were forcibly disappeared, some for more than three months.

In light of the above, I urge you to immediately and unconditionally release Sherwan Sherwani, Guhdar Zebari, Hariwan Issa, Ayaz Karam and Shvan Saeed, immediately take all steps to ensure their unjust conviction is quashed or overturned, and ensure a prompt and effective investigation into the allegations of torture and other ill-treatment with a view to holding perpetrators accountable and providing redress to them. Pending their release, I further urge you to ensure they have access to qualified health professionals providing health care in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent and unfettered access to their lawyers and family.

Yours sincerely,

## ADDITIONAL INFORMATION

The Kurdish security forces *Asayish* [arrested](#) all five activists and journalists in October 2020 and they were immediately charged with “being spies” and “destabilizing national security”. In the case documents made available to the lawyer, Sherwan Sherwani was accused of being a spy based on his activism and travel to attend journalism trainings abroad. The lawyer was not able to review the case documents of the others.

On 16 February, the Erbil Criminal Court sentenced the five activists and journalists based on apparently trumped-up charges of “destabilizing the security and stability of the Kurdistan Region of Iraq (KR-I)” under Article 1 of Law No. 21 (2003).

KR-I Prime Minister Masrour Barzani had previously [claimed](#) the detainees were spies and saboteurs and accused them of working for foreign governments to plot terrorist attacks. Dr. Zebari, KRG’s Coordinator for International Advocacy, denied that the five activists and journalists were sentenced for their journalistic work.

According to information available to Amnesty International, *Asayish* forces raided the homes or place of work of all five journalists and activists, arrested them and in some cases the arrests were accompanied by violence. In one case, the *Asayish* pulled Guhdar Zebari from his bed, covered his eyes and handcuffed him without even presenting an arrest warrant. In another case, the *Asayish* and local Erbil police- arriving in six police cars and 4-wheel-drive cars- surrounded the home of Sherwan Sherwani at approximately 4:30pm on 7 October 2020, in the city of Erbil, and immediately trapped members of his family in a room in the house. *Asayish* members proceeded to raid Sherwan Sherwani’s home, confiscating electronics, including his laptop, camera, phone and documents before putting him in handcuffs. They held him at gun point and then dragged him out of the house.

Amnesty International has received a copy of the verdict which stated that all five men were sentenced to prison based on the provisions of Article 1 of Law No. 21 of 2003 issued by the Parliament of the Kurdistan Region and Articles 47, 48 and 49 of the Iraqi Penal Code. The court also decided to place them under police surveillance for a period of five years after the completion of their sentences, and to confiscate their mobile phones, laptops and cameras. Following the sentencing of the five journalists, the court issued an arrest warrant for the brother of Shvan Saeed, Ayhan Saeed. Two additional arrests warrants were also issued for journalist Difaa Harki and activist Qaidar Hussein. All three arrest warrants mention charges of national security under the Law 21.

Amnesty International has in the past [documented](#) the violent dispersal and mass and pre-emptive arrest of protesters in the KR-I and specifically in the governorate of Duhok. In January 2020, *Asayish* members carried out a wave of arrests in the governorate of Duhok, of tens of protesters, activists, journalists, and individuals who may have been bystanders during a protest. *Asayish* members also arrested a journalist and two online activists in the area of Baadre, Duhok governorate, who according to their relatives, were on their way to Duhok to join a peaceful gathering.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English, Kurdish and Arabic  
You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 6 JULY 2021  
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PRONOUN:** Sherwan Sherwani, Guhdar Zebari, Hariwan Issa, Ayaz Karam and Shvan Saeed (All him/his)

**LINK TO PREVIOUS UA:** <http://www.amnesty.org/en/documents/mde14/3754/2021/en/>